

Appl. No. 10/786,374

Amdt. Dated November 22, 2005

Reply to Office Action of September 6, 2005

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to FIGs. 3, 4, 5, 5A, and 5B. These sheets, which include FIGs. 3, 4, 5, 6, and 7, replace the original sheets including FIGs. 3, 4, 5, 5A, and 5B. Specifically, the following changes have been made:

In FIGs. 3 and 4, each lead line from reference numeral 200 has been changed to extend to the inlet port of the valve seat 180, as described in paragraph [0030] of the specification, and the lead line from reference numeral 182 has been changed to an arrow that points to the valve element, as described in paragraph [0031] of the specification. Additionally, F_e has been changed to F_p ;

In FIG. 5, reference numerals 192 and 194 have been deleted and 184 has been changed to 184a, as referred to in paragraphs [0025] and [0026];

FIG. 5A has been changed to FIG. 6; and

FIG. 5B has been changed to FIG. 7.

Attachment: Replacement Sheets

Appl. No. 10/786,374

Amtdt. Dated November 22, 2005

Reply to Office Action of September 6, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed September 6, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-7, 9-17, 19-26, 28, and 29 are pending in this application, with Claims 1, 11, and 21 being the independent claims. Claims 1, 11, 21, 24-26 have been amended, and Claims 8, 18, and 27 have been canceled. No new matter is believed to have been added.

Objections to the Drawings

The drawings were objected to for several reasons. The Examiner alleges that reference character "F_a" should be "F_p", that figures 5A and 5B are improperly numbered pursuant to 37 CFR 1.84(u)(1), that reference character "194" was used twice in FIG. 5 and that "192" was used in both FIGs. 3 and 5, but not for the same part.

As described in the "Amendment to the Drawings" section of this response, Applicants have corrected the drawings. Additionally, changes were made to FIGs. 3, 4, and 5 for clarity. In particular, in FIGs. 3 and 4, each lead line from reference numeral "200" has been changed to extend to the inlet port of the valve seat 180, as described in paragraph [0030] of the specification, and the lead line from reference numeral "182" has been changed to an arrow that points to the valve element, as described in paragraph [0031] of the specification. In FIG. 5, reference numeral "184" has been changed to "184a", as referred to in paragraphs [0025] and [0026]. Each of these changes were made for clarity only.

Accordingly, Applicants respectfully request withdrawal of these objections.

Objections to the Specification

The specification was objected to for several reasons. The Examiner alleges that paragraph 0020, line 7 should be changed from "the check valve" to "The check valve", paragraph 0030, line 4 should be changed from "180a" to "200", paragraph 0031, line 16

Appl. No. 10/786,374

Amdt. Dated November 22, 2005

Reply to Office Action of September 6, 2005

should be changed from " $P_{\text{gearbox}} - P_{\text{starter}}$ " to " $P_G - P_S$ ", and paragraph 0033, line 8 should be changed from "177" to "182".

The Applicants have amended the specification to correct these minor typographical errors. Accordingly, withdrawal of these objections is respectfully requested.

Claim Objections

Claims 1, 11, 21, and 24-26 were objected to for informalities. The Examiner alleges that in claim 1 "generative" should be "generating", in claims 11 and 21 "the gearbox assembly and the starter housing" should be "a gearbox assembly and a starter housing", and claims 24-26 should depend from claim 23.

Applicants have corrected the typographical errors that appear in claims 1 and 24-26. As for claims 11 and 21, "the gearbox assembly and the starter housing" have been changed to "the first environment and the second environment" as recited in the preambles thereof.

Accordingly, withdrawal of these objections is respectfully requested.

Allowable Subject Matter

The Examiner has objected to Claims 3-8, 13-18 and 22-27 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The Applicants have amended independent claim 1 to incorporate the allowable subject matter of claim 8, which has been cancelled. Accordingly, claim 1 is now allowable.

Rejections Under 35 U.S.C. § 103

Claims 1-2, 11-12 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,681,579 ("Lane") in view of U.S. Patent No. ("Ledoux") and Claims 9-10, 19-20, and 28-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lane in view of Ledoux as applied to claims 1, 11, and

Appl. No. 10/786,374

Amdt. Dated November 22, 2005

Reply to Office Action of September 6, 2005

21, respectively, and further in view of U.S. Patent No. 4,986,310 ("Bailey"). This rejection is respectfully traversed.

As mentioned above, claim 1 has been amended to incorporate the allowable subject matter of claim 8. Claims 11 and 21 have each been amended and now recite, *inter alia*, a valve element having a density that is greater than the density of the fluid to be communicated between the first environment and the second environment. None of Lane, Ledoux, or Bailey discloses a valve element having a density that is greater than the fluid communicated between a gearbox assembly and starter housing. Moreover, none of the references discloses a valve element having a density that is greater than the fluid communicated between two environments. Accordingly, as Lane, Ledoux, and Bailey fail to disclose, either explicitly or inherently, at least the above-noted elements of claims 1, 11, and 21, and the Examiner has failed to provide such an explicit or inherent disclosure of this element, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

Conclusion

Based on the above, independent Claims 1, 11, and 21 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Appl. No. 10/786,374

Amdt. Dated November 22, 2005

Reply to Office Action of September 6, 2005

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 11/22/05

By: 

Cindy H. Kwacala

Reg. No. 47,667

(480) 385-5060